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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 VECTREN COMMUNICATIONS SERVICES, No. C 08-3137 SI

9 Plaintiff,

**ORDER EXCLUDING AUGUST 17, 1999  
CITY COUNCIL MEETING VIDEO**

10 v.

11 CITY OF ALAMEDA,

12 Defendant.

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14 The Court has reviewed the parties' briefs about the admissibility of a video that the City wishes  
15 to introduce as part of its case. The video consists of approximately 25 minutes of excerpts from a 2.5  
16 hour video recording of an August 17, 1999 Alameda City Council meeting.

17 The Court concludes that the proffered video should be excluded under F.R.E. 403. AP&T  
18 witness Bill Garvine has already testified at length about the August 17, 1999 City Council meeting, and  
19 thus the video excerpts would be needlessly cumulative. Given Mr. Garvine's testimony, the probative  
20 value of the video is minimal, particularly because the video relates to matters that occurred several  
21 years before the contracts at issue were executed. The Court also finds that the introduction of the video  
22 would be prejudicial in that the disc was only first provided to plaintiff on February 17, 2010, more than  
23 a week after the start of trial, and the City did not disclose the speakers on the video clips at any point  
24 during the discovery period.

25 **IT IS SO ORDERED.**

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27 Dated: February 25, 2010

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SUSAN ILLSTON  
United States District Judge